

Appln. No. 10/787,516

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Attorney Docket No. 10544-288

FEB 26 2007

II. Remarks

After entering the above amendments, claims 36-37 and 41-60 remain pending. Claim 60 has been added.

Reconsideration of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claim Objections

Claims 36-38 and 41-59 have been objected to for various formalities. In response, claims 36-38, 44, 48, 51, and 57-59 have been amended as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of the objections to the claims.

Claim Rejections - 35 U.S.C. §103(a)

Claims 36-38, 42-44, 52, 53, 55, and 57-59 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 2002/0064253 to Gutman (Gutman) in view of U.S. 2001/0028699 to Iwasaki (Iwasaki).

Claim 36 recites the first aperture being adjusted by moving the movable portion relative to the fixed portion to change a size or shape of the x-ray beam. The Examiner relies on the housing 8 of Gutman '253 to show the fixed portion of the first aperture. While the housing 8 may be fixed, '253 does not teach the housing occluding any portion of the x-ray beam or forming part of the first aperture such that movement between the fixed and movable portion changes size or shape of the x-ray beam. Therefore, '253 does not teach or suggest the

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present invention according to claim 36. Further, as defined in claim 41, the housing 8 is not a fixed blade of the aperture. In addition, with respect to new claim 60, none of the cited references teach or suggest that the fixed blade occludes x-rays reflected from a near portion of the optic and the movable blade occludes x-rays reflected from a far portion of the optic.

Claim 38 has been cancelled. In addition, claims 37, 42-44, 52, 53, 55, and 57-59 depend from claim 36 and are therefore patentable for at least the same reasons as given above in support of claim 36.

Claims 36-38, 41, and 48-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,041,099 to Gutman et al (Gutman '099) in view of U.S. 2003/0152192 to Hasegawa (Hasegawa) and Iwasaki.

As note above, claim 36 recites the first aperture being adjusted by moving the movable portion relative to the fixed portion to change a size or shape of the x-ray beam. The Examiner does not identify any elements in Gutman '099 that show the fixed portion of the first aperture. While Hasegawa may teach an aperture with a fixed and movable portion, the aperture and system of Hasegawa do not at all correspond to the system and first aperture of the instant application. In the instant application, the first aperture selects a portion of an optic to adjust convergence. The examiner has not provided any evidence from either reference that indicates that there was some suggestion at the time of the invention to combine the reference in the manner the examiner is suggesting.

Specifically, with respect to new claim 60, none of the cited references teach or suggest that the fixed blade occludes x-rays reflected from a near

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portion of the optic and the movable blade occludes x-rays reflected from a far portion of the optic.

Claims 41 and 48-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gutman '253 and Iwasaki as applied to claim 38 above, and further in view of Hasegawa.

Claims 41 and 48-51 depend from claim 36 and are therefore patentable for at least the same reasons as given above in support of claim 36.

Claims 45-47, 54, and 56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Gutman '253 and Iwasaki as applied to claims 43, 53, and 36 above, and further in view of U.S. Patent 6,014,423 to Gutman et al. (Gutman '423).

Gutman '423 does not teach or suggest the elements noted above as missing from claim 36. Accordingly, claims 45-47, 54, and 56 are patentable for at least the same reasons as given above in support of claim 36.

Accordingly, Applicants respectively request withdrawal of the rejections under 35 U.S.C. § 103.

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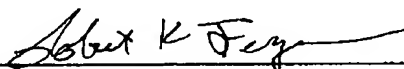
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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims (claims 36-37 and 41-60) are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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